

**CITY OF BREMERTON, WASHINGTON  
PLANNING COMMISSION AGENDA ITEM**

<b>AGENDA TITLE:</b>	Public Hearing for Zoning Code Amendment: Temporary Encampments (BMC 20.46.090)
<b>DEPARTMENT:</b>	Community Development
<b>PRESENTED BY:</b>	Allison Satter, Senior Planner, (360) 473-5845 or <a href="mailto:Allison.Satter@ci.bremerton.wa.us">Allison.Satter@ci.bremerton.wa.us</a>

## OVERVIEW SUMMARY

The City has received the preliminary data for the 2019 Kitsap County Point in Time Count Overview (see **Attachment A**), and the data shows an increasing number of people who are unsheltered in our community. The data indicates 58% of the County's unsheltered population are in Bremerton – which means that we have at least 101 people that need shelter each night, which has increased since 2018.

There are many groups in our community, churches, non-profits, and others, that are seeking ways to help those that are experiencing homelessness. Over the last decade, temporary homeless encampments, sometimes called tent cities, have become an often-used mechanism for providing shelter for homeless individuals. The City of Bremerton does not have any regulations that address temporary encampments. It is vitally important that the City establish regulations to protect the health of the individuals in temporary encampments and the public health, safety and security of our neighborhoods.

The state has already authorized religious organizations to host temporary encampments (see excerpt of RCW 35.21.915 in **Attachment B**). The legislation grants broad authority to religious organizations to provide shelter or housing to homeless persons on property that these organizations own or control. This law allows local jurisdictions to adopt regulations in order to establish conditions necessary to protect public health and safety, and the proposed regulations attached to this report are written to achieve that for the Bremerton community.

Because of the number of unsheltered people that are in our community, we believe it is important to broaden the scope of who can apply to operate a temporary encampment to include more than religious institutions, but to also allow other non-profit agencies and groups to operate these facilities. The new code proposes to expand the scope of the intent of the state law to allow others to operate temporary encampments that conform to regulatory standards.

In summary, the proposed code establishes the following requirements to protect health, safety, and security of the Bremerton community:

- Allowed in all zoning districts
- Site must be at least one (1) acre, and the area dedicated to the encampment must contain 150 square feet per resident (the code does not cap the number of residents).
- 20' minimum setback, 40' setback from residential uses
- Activities must be screened/fenced
- Requires security management
- Outreach to neighbors
- Performance standards must be met for health and safety
- Permit application process that will take a maximum of 30 days
- Temporary encampment can last up to 90 days at one location and can't return to that site for 24 months.
- Only one encampment is allowed in the City limits at one time

The report will go into detail regarding each section of the proposed code.

## **CODE ANALYSIS**

The City has developed a new section within the zoning code's "Special Development Standards" (BMC 20.46) to include provisions to regulate temporary encampments, please see **Attachment C**.

The City's new regulations are consistent with the RCW, in that Bremerton is permitted to establish regulations that protect the health and safety of the citizens of the community. The new code provisions seek to accomplish this goal. City staff has done significant research into what other jurisdictions in Washington state have adopted for their temporary encampment rules; the attached code amendments implement standards for the Bremerton community that are appropriate for us and are also consistent with what other cities in Washington have already adopted.

The City's new code can be summarized as a six-step regulatory process:

1. Find a site.
2. Perform Preapplication work to identify and mitigate impacts.
3. Conduct a Neighborhood Meeting.
4. Revise the proposal and ensure all items are addressed.
5. Apply for a permit (30-day review)
6. After issued-permit items: Revocation and Indemnification.

The next portion of the report will provide specifics of the proposed amendments for the placement of a temporary encampment within the City. This following section are in the order of the six-steps listed above.

**Step 1: Find a Site.** The applicant shall find a site that meets the following requirements:

- Any zoning district;
- Only one temporary encampment may be allowed within the City at any time.
- Minimum 1-acre site.
  - Can be multiple contiguous parcels (with different owners) that total an acre.
  - Area of the site dedicated to the encampment must have at least 150 square feet per resident (there is no cap on the number of residents).
- A perimeter setback of 20' around the entire site, with an additional 20' requirement when adjacent to a residential use (for a total of 40').
  - The setback may be reduced if property owner(s) consent to reduction.
- Temporary encampment must be screened from the adjacent properties and right-of-way (such as with a sight-obscuring fence).
- Cannot locate this use with critical area or their associated buffers.
- Expanded the groups that can host/sponsor a temporary encampment (including religious facilities, non-profit agencies and other groups that operated these facilities).

In an effort to ensure that there are options for locations in the city where temporary encampments can be located, the proposed code allows them to be established in all zoning districts. This will ensure that there is potential for these facilities to be dispersed throughout the community so that no single area must accommodate these shelters. Because of this broadly permissive approach to potential locations, the code sets a minimum standard of one acre minimum for the size of a parcel that can be considered for the location of an encampment.

The limits the number of encampments to one at a time because the City will need to provide emergency services to the site. If there were multiple encampments throughout the City this could overtax our emergency services. Knowing that there can only be one operational encampment at a time, we must ensure that sites that are utilized for encampments are adequately sized to accommodate the City's unsheltered housing need (as described in **Attachment A**) and these sites will need to be decently sized.

Because Bremerton's unsheltered population fluctuates, we do not know how many people will need housing. Due to this the City is not proposing a cap on the number of individuals that can be housed at a temporary encampment. The code instead establishes standards for the area of land that is necessary for each person in the encampment – which is at least 150 square feet per resident. This area was chosen because it is a reasonable estimate of the necessary land area for a tent, belonging storage, and a resident's share of the common area of encampment services (security, food, restroom facilities, site circulation, etc), and is a value used by other jurisdictions.

The code requires perimeter setbacks, with a minimum of 20' from the exterior property lines, with an additional 20' from any residential uses (for a total of 40'). This perimeter setback is proposed to ensure all activities of the encampment are set back from other properties a distance so as not to impinge upon or otherwise unduly influence activities on said adjacent properties.

**Attachment D** provides an illustration of how a theoretical one-acre site and the proposed siting criteria would appear on a vacant site (surrounded by residential uses). As the Attachment demonstrates, a theoretical one-acre site with the siting criteria discussed above (perimeter setbacks and minimum 150 square feet per resident) could provide temporary encampment shelter for 129 people.

**Step 2: Pre-application work** is required prior to applying for a permit. The applicant and/or the property owner(s) shall accomplish the following:

- Develop plans. The applicant shall develop (1) an Impact Mitigation Plan to address potential impacts of the site to the adjacent property owner and the community, (2) a Security Management Plan to ensure safety of the residents and the public, and (3) a parking plan.
- Meet with affected jurisdictions to discuss the placement of the temporary encampment and potential mitigation measures for security with the Bremerton Police Department, Fire Department, and nearby school district(s) and childcare service(s).
- Consultation with the Kitsap Public Health District to ensure adequate water, sanitation, and trash management is provided for their anticipated encampment.

At this point, the applicant will be working with the property owner on the placement of the shelters with the minimum siting criteria (and would be able to assume how many residents they can serve). The plans must address health, safety and welfare concerns of the proposed site for the temporary encampment, and early consultations must be completed with the school district, nearby childcare services, Bremerton Police Department, Bremerton Fire Marshal, and Kitsap County Health District. To facilitate those conversations, the applicant shall have developed a Security Management Plan to ensure the safety of the residents and the public, a parking plan to indicate if parking and access will be reduced as that would have on-site and off-site impacts, and an Impact Mitigation Plan to address any site-specific impacts of the encampment that will be implemented. These early consultations on health, safety and general welfare will assist in the next steps.

**Step 3: Neighborhood Meeting.** The applicant shall hold a neighborhood meeting prior to applying for a permit. The applicant shall mail notice to all property owners within 500' of the proposed temporary encampment site 15-days prior to the meeting. At this meeting, any comments received, attendance list from the meeting, and proposed/requested mitigations to impacts from the temporary encampment shall be provided to the City for the permit consideration.

A neighborhood meeting is required to ensure the neighbors that may be impacted by the temporary encampment can hear the proposal of how the site will be operated and managed, and the public can provide comments and/or suggestions to address anticipated impacts to their health, safety and general welfare.

As discussed more in the step 5 of this report, the City is proposing the permit to site a temporary encampment to be completed within 30-days. This does not allow enough time for the City to hold a public-outreach process (such as a neighborhood meeting or a public hearing). We acknowledge the importance of the public being able to participate and understand the placement of a temporary encampment use in their neighborhood. Therefore,

it is of vital importance that the applicant initiates this public outreach early in this process. The neighborhood meeting and consultation with the Police, Fire, Health District, Schools, and childcare services must be completed, and the applicant must have prepared mitigation plans, prior to the City permit application so the City's decision can be provided in the timeliest manner.

**Step 4: Revise the Plans.** At this step, the applicant has held the neighborhood meeting, and has had consultations on the health, safety and general welfare of the encampment. The next step is to revise the plans and ensure that all performance criteria is met for the placement of a temporary encampment.

Any temporary encampment shall provide the following as minimum performance criteria to ensure the health, safety and general welfare:

- Meet Health Regulations
- Provide adequate access for Emergency Services
- Allow Fire Marshal and Building Code inspections throughout the Encampment duration
- Have adequate potable water and toilet facilities
- Provide a regular trash patrol
- Manage the noise on the site
- Manage the light and glare from the site
- Provide security
- Develop and implement a Code of Conduct

**Step 5: Permit and Process.** Currently there is no permit or process for the City to permit a temporary encampment. This proposed section would create that process and can be summarized as:

- Requires a Type I Permit, which is an administrative decision provided by the Department of Community Development Director. For comparison, a Type I permit can also be a building permit
- City will process this permit and issue a decision with conditions of the approval within 30 days of receiving a complete application
- Outlines what minimal documentation is required for a complete permit submittal.
- The applicant and property owner may appeal the decision
- The Director of Community Development may waive this section in case of disasters

As the encampment site development planning and outreach has taken place, the applicant and property owner(s) can apply for a Temporary Encampment Permit through the City. This permit process will be complete in 30-days. The processing of the permit will only happen if the application is complete and all preapplication work has been conducted (including consultation with the Police, Fire, Health District, School District and childcare services, developing the necessary plans, and hosting a neighborhood meeting). If the application is not complete, the permit will not be processed, and no decision will be provided.

**Final Step: After Permitting Items.** This proposed code outlines a procedure to revoke the temporary encampment permit if necessary and requires some legal protections including

having liability insurance and indemnification to hold harmless City officials from legal pursuits associated with the encampment.

Once the temporary encampment is permitted, the encampment site is allowed to operate for 90-days (quarter of the year) every 24 months. This timeframe is consistent in many other jurisdictions' code, and ensures the encampment is temporary.

## **CONCLUSION**

As this staff report highlighted, the RCW already allows temporary encampments to be operated by religious organizations and these can occur today without any local process. Because of the increasing population of people experiencing homelessness we believe that it may be desirable to establish a temporary encampment in our community soon. Due to this, it is important to establish appropriate regulations to protect the health, safety and welfare of our community.

The attached text amendments in **Attachment C** identify the desired changes to the Bremerton Municipal Code (BMC) to add a new section into the Special Development Standards for regulations and permitting process for Temporary Encampments. Staff recommends that the Planning Commission hold an open record public hearing, consider testimony, and formulate a recommendation for the City Council.

## **ATTACHMENTS**

- **Attachment A:** 2019 Kitsap County Point in Time Count Overview (2019)
- **Attachment B:** RCW 35.21.915 Temporary encampments for the homeless - Hosting by religious organizations authorized—Prohibitions on local actions.
- **Attachment C:** Proposed Amendments for Bremerton Municipal Code (BMC) to add a new section for the placement and permitting of Temporary Encampments (BMC 20.46.090)
- **Attachment D:** Handout Regarding Minimum Siting Criteria Example
- **Attachment E:** Planning Commission's Findings and Conclusions

## **RECOMMENDED MOTION**

Staff recommends the following motion:

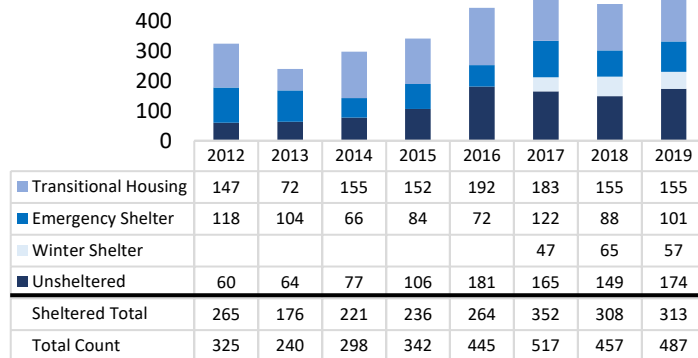
Move to recommend the City Council adopt the Zoning Code's amendments to BMC Title 20 to add a permitting process and regulations for temporary encampments as shown in **Attachment C**, the Staff Report and the Findings and Conclusions presented in **Attachment E**.

# 2019 Kitsap County Point in Time Count Overview – Preliminary Data

The "Point in Time" count is an annual survey that gathers information about people experiencing homelessness during a 24-hour period at the end of January. This survey provides critical information regarding the scope and nature of homelessness in our community and can impact funding for homeless housing and services. Because participating in the survey is voluntary, and relies on volunteers finding people experiencing homelessness, it is considered to be an under count of the actual number of homeless. Participants are surveyed in a number of locations throughout the county including the Project Connect Resource Fairs<sup>[1]</sup>, food banks/meal sites, in encampments, and on the streets.

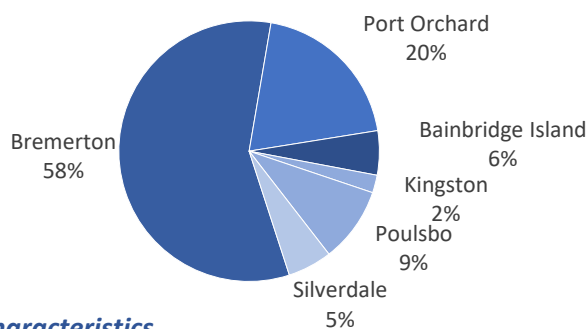
## Increasing Numbers of Unsheltered Individuals

The 2019 count of 174 unsheltered individuals indicates a 17% increase from 2018 and a 5% increase from the average of 165 individuals over the prior 3 years. Since the opening of the Winter Shelter, the number of sheltered individuals has increased 19% from 264 in January 2016 to 313 in January 2019.



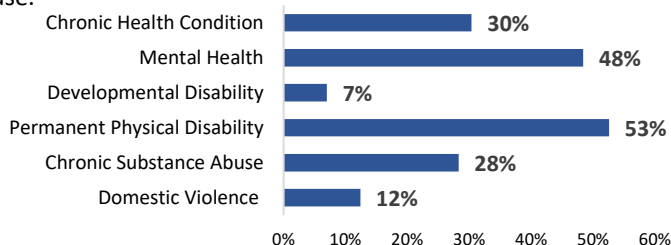
## Current City

Increased efforts were made to expand the count in 2019 throughout previously under-counted areas in Kitsap County. Unsheltered participants were asked to provide their current cities of residence, and 85 households (73%) provided this data.



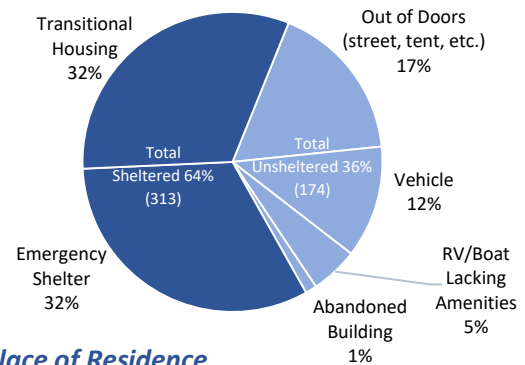
## Characteristics

When asked about various personal characteristics, the most common response from survey participants was that they experienced challenges related to permanent disability, followed by mental illness, chronic health conditions, and chronic substance use.



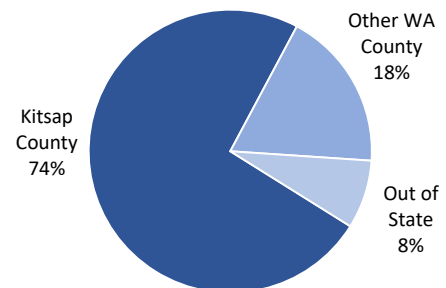
## Defining Sheltered vs. Unsheltered

For the purposes of this survey, information is collected on sheltered (in emergency shelter or transitional housing) vs. unsheltered homelessness. In this year's count, 174 people said they were unsheltered. The majority of those who were unsheltered indicated they lived outside in places not meant for human habitation.



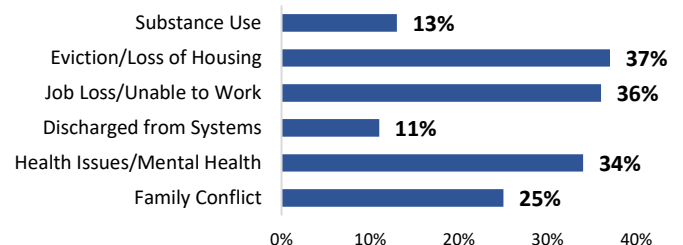
## Last Place of Residence

Surveys also collected information about the last city of permanent residence, and 73% of households provided this data. 85 (74%) of those households previously had stable housing in Kitsap County.



## Causes of Homelessness

When asked about the specific cause (or causes) of their homelessness, the most common response was housing issues (eviction or loss of housing), economic issues (loss of job or unable to work), followed by health issues (including mental health).



[1] In 2017 the Project Connect was hosted at the Salvation Army in Bremerton. In 2018 and 2019 the Project Connect was additionally offered at the Village Green Community Center in Kingston and at the Givens Center in Port Orchard.



### Kitsap County Department of Human Services

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<https://www.kitsapgov.com/hs/Pages/HH-Point-in-Time.aspx>

## **RCW 35.21.915 Temporary encampments for the homeless—Hosting by religious organizations authorized—Prohibitions on local actions.**

- (1) A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.
- (2) A city or town may not enact an ordinance or regulation or take any other action that:
  - (a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;
  - (b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; or
  - (c) Imposes permit fees in excess of the actual costs associated with the review and approval of the required permit applications.
- (3) For the purposes of this section, "religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.
- (4) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.



**PROPOSED CODE CHANGES TO BREMERTON MUNICIPAL CODE: TITLE 20**

**NEW SECTION:** *the following is new to the Bremerton Municipal Code. The proposal is to add a new section: BMC 20.46.090 Temporary Encampment Permit*

**20.46.090 Temporary encampment Permit**

- (a) **Intent.** The City of Bremerton desires to establish reasonable development standards for sponsors of outdoor temporary encampments. These facilities do not represent a permanent solution to homelessness but rather can provide vitally needed shelter and a first step to more permanent forms of housing. This section provides an equitable process, with reasonable conditions and an associated permit, to meet the need for temporary shelter for local homeless persons while ensuring public health, safety and welfare.
- (b) **Definitions.**
  - (1) “Applicant” shall mean the temporary encampment host, sponsor and manager.
  - (2) “Property Owner” shall mean the owner of the property or legal representative of the real property proposed for use as a temporary encampment.
  - (3) “Shelter(s)” shall mean tents, sheds, huts, cabins, tiny homes, trailers or other enclosures which are not permanently attached to the ground, may be easily erected and dismantled, and are intended for temporary occupancy.
  - (4) “Temporary encampment(s)” shall mean an area of a parcel(s) that hosts shelters, security, and other facilities, for housing the homeless for humanitarian purposes. Temporary encampment facilities that are established for this use shall be easily erected and dismantled and shall only be temporary.
  - (5) “Temporary” shall mean, for the purposes of this section, 90 days.
- (c) **Siting Criteria.** A temporary encampment may be placed on a property in the City that complies with the following:
  - (1) Location. Temporary encampments can be permitted in all zoning districts.
  - (2) Site Size and Encampment Size Requirements.
    - (i) Site Size. The minimum site size shall be one (1) acre. The one (1) acre site can include one or more contiguous parcels but in no case may the parcels be separated by a right-of-way (streets, alleyways, etc.), critical area, or other means. All property owners shall jointly apply for the temporary encampment permit and shall be equally responsible for compliance with all conditions of the permit.
    - (ii) Encampment Size. The area of the parcel(s) dedicated to the encampment must equal 150 square feet or more for each resident (not including the required setback area). This size requirement is to ensure that there is sufficient land area to support the activities of the temporary encampment without overcrowding of occupants, degradation of vegetation, eroding soils or otherwise overtaxing the land.
  - (3) Perimeter Setback. A temporary encampment shall be set back no less than twenty (20) feet from all exterior boundary lines, with an additional twenty (20) feet setback when adjacent to residential uses (for a total of 40’ setback when adjacent to a residential use). This setback is intended to ensure all activities of the temporary encampment are set back from adjacent properties a sufficient distance so as not to impinge upon or otherwise unduly influence activities on said adjacent properties. The required exterior setback may be reduced or waived if

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the owners of such adjacent property consent in writing to support a reduction or waiver of such setback.

- (4) Screening of Activities. All activities (shelters, toilets, cooking facilities, etc.) of the temporary encampment shall be obscured from view from adjacent properties and public right-of-way to the maximum extent feasible. This can be accomplished by a minimum six-foot-high sight-obscuring temporary fence, existing dense vegetation, an existing topographic difference, distance from exterior property lines, or other means.
  - (5) Critical Areas. A temporary encampment may not be located within critical areas or their associated buffers. All proposed temporary encampments shall comply with the city's critical areas regulations as set forth in Chapter 20.14 BMC and the Shoreline Master Program.
  - (6) Limit of encampments. No more than one (1) temporary encampment shall be permitted and operating at any one time in the City.
- (d) **Preapplication Work.** Prior to application submittal, the applicant and property owners must address community and neighborhood impacts from the proposed temporary encampment by developing the following:
- (1) Impact Mitigation Plan. The applicant shall identify potential adverse effects of the proposed temporary encampment on neighboring properties and the community and shall develop measures to mitigate such effects. The applicant shall develop a temporary encampment impact mitigation plan. The plan shall contain a narrative and drawing(s) that describe the measures the applicant will use to mitigate the effects of the temporary encampment. At a minimum, the plan shall specifically describe the measures that will be implemented to satisfy the approval criteria provided in this section. The impact mitigation plan shall be updated to address the comments and suggestions received at the required neighborhood meeting and review as identified in sections (3) and (4) of this subsection (discussions with police, fire, school, childcare, and health district). The implementation and enforcement of the plan shall be a condition of permit approval.
  - (2) Security Management Plan. The applicant shall develop a plan demonstrating security measures, site specific or otherwise, necessary to ensure the safety of the residents of the temporary encampment and the public. At a minimum, the plan shall specify the following:
    - (i) The person or entity responsible for providing security;
    - (ii) The type of security to be used, e.g., private security firm, volunteers, or other means; and
    - (iii) Recommendations and/or requirements provided by the Police Department.
  - (3) Discussions with Police, Schools, and Child Care Services. A representative of the applicant or property owner shall meet and confer with the following entities regarding the proposal and any proposed security measures for the temporary encampment: (1) the Bremerton Police Department; (2) the administration of any public or private preschool, elementary, middle, junior high, or high school if within 500 feet of the boundaries of the proposed site; and (3) the operators of any properly licensed child care service(s) within 500 feet of the boundaries of the proposed site.
  - (4) Discussions with Kitsap Public Health District. A representative of the applicant or property owner shall meet and confer with the Kitsap Public Health District regarding the proposal and the proposed plan for providing adequate drinking water, solid waste management, and the waste management (trash removal) plan for the temporary encampment.

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- (5) **Parking Plan.** The applicant shall develop a parking plan. The parking plan shall address the following:
- (i) Adequate parking for the temporary encampment shall be provided so as not to reduce parking utilized by existing site uses;
  - (ii) The temporary encampment shall not displace the site's parking lot in such a way that the site no longer meets the minimum or required parking of the principal use as required by code or previous approvals;
  - (iii) An alternative parking plan may be approved by the Director if the parking plan can demonstrate how the existing use on the site and the encampment can provide off-site parking sufficient to have no off-site impact to the surrounding neighborhoods. This alternative parking plan will be not valid after the expiration of the temporary encampment;
  - (iv) Parking vehicles shall only be allowed in existing approved parking areas and shall not be located in unapproved areas such as the grass or field; and
  - (v) A Temporary Encampment Permit cannot permit new site development such as paving, gravel laydown, and structure installation. This work requires a separate process through the approval of a Site Development Permit as outlined in BMC 20.58.090.
- (e) **Neighborhood Meeting.** The applicant shall conduct a neighborhood meeting to inform nearby residents and the public about the proposed temporary encampment prior to submittal of an application. The following process shall be used:
- (1) **Notification.** The applicant shall provide notice of the neighborhood meeting by mail, first class and postage prepaid, to all owners of property within 500 feet of the lot(s) containing the proposed temporary encampment, provided such area shall be expanded as necessary to send mailed notices to at least 20 different property owners. The notice of the neighborhood meeting shall be mailed at least 15 days prior to the neighborhood meeting.
  - (2) **Neighborhood Meeting.** At the neighborhood meeting, a representative of the applicant or property owner shall present in writing and verbally the proposed temporary encampment location, timing, site plan, code of conduct, impact mitigation plan, accommodations concerns, and a security management plan. The presentation shall also include copies of all previously submitted comments received on the proposed temporary encampment, including comments from the Bremerton Police Department, school(s), and child care services. Copies of the agenda and the other specified comments and materials shall be provided by the applicant at the meeting. The meeting shall be conducted on the proposed Temporary encampment site whenever feasible; this meeting shall be held in a location that is ADA (Americans with Disability) accessible.
- (f) **Performance Criteria.** Temporary encampments shall be operated in such a manner as to ensure the health and safety of occupants of the encampment and surrounding properties. Accordingly, all temporary encampments shall comply with the list below. Demonstration of compliance with this section is a requirement of the temporary encampment permit. Any proposed mitigation or actions from this section shall be identified in the Impact Mitigation Plan.
- (1) **Health Regulations.** All applicable city, county and state regulations pertaining to public health shall be met.
  - (2) **Fire Safety.** Inspections of the site by the city for fire safety purposes may be conducted at any time and without prior notice. Adequate access, as determined by the Fire Marshal, shall be

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maintained within and around the temporary encampment at all times to ensure that emergency vehicles can ingress/egress the site.

- (3) Building Code Inspections. Inspections of the temporary encampment by the city to ensure the public health and safety may be conducted at any time and without prior notice.
- (4) Drinking Water and Solid Waste. An adequate supply of potable water and adequate toilet facilities shall be available on-site at all times. All city, county and state regulations pertaining to drinking water connections and solid waste disposal shall be met.
- (5) Trash. Adequate facilities for dealing with trash shall be provided on-site. A regular trash patrol or other method of regular maintenance in the immediate vicinity of the site shall be provided.
- (6) Noise. Any temporary encampment shall comply with city noise regulations as set forth in Chapter 6.32 BMC.
- (7) Light and Glare. Any temporary encampment shall comply with city light and glare regulations as set forth in Chapter 20.44.110 BMC.
- (8) Security. Any temporary encampment shall provide all required legal access to public areas of the site by the city of Bremerton Police Department and any other relevant law enforcement agency at all times.
- (9) Codes of Conduct. The applicant shall enforce a written code of conduct which mitigates impacts to neighbors and the community. Said code shall be incorporated into the conditions of approval. The code shall contain the following as a minimum:
  - (i) Prohibit possession or use of firearms and/or illegal drugs;
  - (ii) No violence;
  - (iii) No open flames;
  - (iv) No loitering in the surrounding neighborhood; and
  - (v) Quiet hours (at a minimum between the hours of 10:00 p.m. and 7:00 a.m.).
- (g) **Process and Permit.** Notwithstanding any other provision in the Bremerton Municipal Code, the following procedures shall apply in accepting, noticing, reviewing, and otherwise processing temporary encampment permit applications. A City issued temporary encampment permit is required prior to the commencement of such a use.
  - (1) A temporary encampment permit is a Type I action and shall be processed accordingly, as set forth in Chapter 20.02 BMC, Project Permits. The prospective temporary encampment applicant and property owner(s) shall jointly apply for the temporary encampment permit and shall be equally responsible for compliance with all conditions of the permit. A complete application for a temporary encampment permit shall be submitted a minimum of thirty (30) days prior to the anticipated start of the encampment.
  - (2) The following documentation is required for a complete application:
    - (i) Application;
    - (ii) The date that the temporary encampments will commence;
    - (iii) The maximum duration requested of said temporary encampment;
    - (iv) The number of residents to be accommodated on the site;
    - (v) The host location;
    - (vi) The names of the managing agency and host, with contact information;
    - (vii) Impact Mitigation Plan
    - (viii) Security Management Plan

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- (ix) Code of Conduct;
  - (x) Documentation of Actions taken prior to application submittal. This document shall include a summary of the Neighborhood Meeting, including who was notified of the meeting (mailing list and map of mailed property owners), who attended the meeting, summary of the items discussed at the neighborhood meeting, and summary of discussion and any request for mitigations of the temporary encampment from the Health District, Police, Fire, School District(s) and Childcare services;
  - (xi) Vicinity Map including buildings and uses on properties surrounding the proposed temporary encampment, and the distance the proposed accommodations would be set back from the property lines; and
  - (xii) Site plan showing at least the following:
    - (A) Existing buildings and parking and vehicle maneuvering area.
    - (B) Location of where encampment will be located including overall dimensions;
    - (C) Location of on-site parking for primary use of the site and number of vehicles associated with the encampment (parking plan); and
    - (D) Access routes for emergency vehicles
  - (xiii) Encampment layout showing at least the following:
    - (A) Layout of all encampment facilities, including, but not limited to, food and security facilities, arrangement of shelters, etc.;
    - (B) Method and location of potable water;
    - (C) Method and location of waste receptacles;
    - (D) Method and location of required screening; and
    - (E) Location of required sanitary stations including toilets and hand washing facility; and
  - (xiv) Application Fee.
- (4) Decisions may be appealed. Appeals of a Type I decision shall be heard and decided by the hearing examiner in accordance with the procedures set forth in BMC 20.02.140.
- (5) Emergencies. The Director may waive these requirements of this section when a natural or manmade disaster necessitates the immediate establishment of temporary encampments.
- (e) Duration and Site Restoration.**
- (1) Duration. A proposed temporary encampment may be allowed at one property for up to 90 days, either consecutively or cumulatively, during any 24-month period, except that where the ninetieth day falls on Friday through Sunday, an additional two days shall be allowed to dismantle and remove the accommodation over the immediately following weekend. The applicant and/or property owner shall store, out-of-sight from adjacent properties, the residents' personal belongings that are left onsite after the dismantling of the site.
  - (2) Restoration of Site. Upon cessation of the temporary encampment, the site shall be restored, as near as possible, to its original condition. The applicant shall re-plant areas in which vegetation had been removed or destroyed.
- (i) Revocation and Indemnification.**
- (3) Failure to Comply. If a temporary encampment permit has been issued, and the Director determines that the applicant has violated any condition of that permit, the director shall issue a notice of violation and require compliance in accordance with the procedures set forth in

**PROPOSED CODE CHANGES TO BREMERTON MUNICIPAL CODE: TITLE 20**

Chapter 1.04 BMC, Code Enforcement. The city may revoke a temporary encampment permit for any violation of this section or the temporary encampment permit where such a violation is:

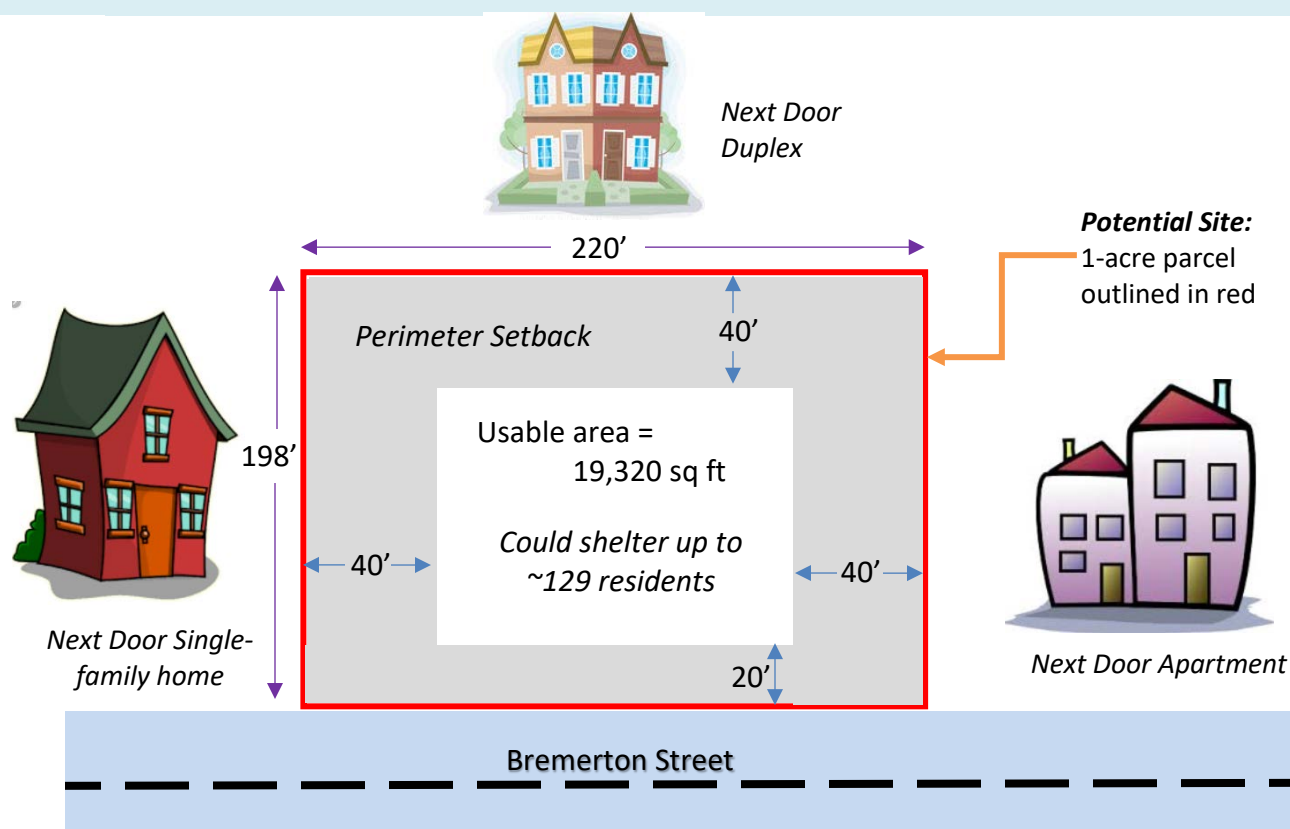
- (i) Not cured following notice from the City and an opportunity to cure such violations.
  - (ii) Intentionally or knowingly committed by the applicant or property owner; or
  - (iii) So severe as to substantially threaten public health and safety.
- (4) Upon revocation of the temporary encampment permit, all residents of the encampment must vacate the premises within seventy-two hours of revocation. The applicant or property owner shall be required to remove all physical evidence of the use and to restore or replant any required vegetation within one week of revocation. The applicant and/or property owner shall store, out-of-sight from adjacent properties, the residents' personal belongings that are left onsite after the seventy-two hours.
- (5) Indemnification. The applicant, except for religious facilities, shall defend, indemnify, and hold the city, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits of any nature, including attorney fees, due to the acts or omissions of the applicant in connection with the operation of the temporary encampment.
- (6) Liability Insurance. Except for religious facilities, the applicant shall procure and maintain in full force, through the duration of the temporary encampment, comprehensive general liability insurance with a minimum coverage of \$1,000,000 per occurrence/aggregate for personal injury and property damage.

# Temporary Encampment Siting Example



How does the siting criteria and setbacks fit on a lot?

Can this code meet the need for the unsheltered individuals\* in Bremerton?



## Example:

This example demonstrates how the City's new temporary encampment regulations would be applied to a theoretical one-acre vacant site (which measures 198' by 220') that is surrounded by residential uses and a street.

- Perimeter setback (shown in gray above). A 20' setback is required from all exterior property lines, plus an addition 20' from any residential uses. The area taken up by setbacks is 24,240 square feet.
- Remaining Usable Area for an encampment (shown in white above) is 19,320 square feet. This area would be reduced if there were existing buildings and associated parking lots.
- Encampments are required to have 150 square feet for each resident.  
19,320 square feet can accommodate **129 residents** (19,320/150)
- Bremerton's Unsheltered Homeless population\* = **101 people**

This exercise demonstrates that the City's new regulations can accommodate Bremerton's unsheltered population.

\*As identified in the Kitsap County Point in Time Count (2019):

<https://www.kitsapgov.com/hs/HOUSINGBLOCK/2019%20Kitsap%20County%20PIT%20Overview%20-%20Preliminary-rev1.pdf>

## FINDINGS AND CONCLUSIONS OF THE CITY OF BREMERTON PLANNING COMMISSION

### Summary:

Proposed amendments to Bremerton Municipal Code (BMC) Title 20 Land Use Chapter to add a new section to BMC 20.46 Special Development Standards to establish a permitting process and regulations for siting a temporary encampment.

### I. FINDINGS OF FACT

#### 1. **Project Description:**

The proposed amendment package includes revisions to Title 20, specifically amending BMC 20.46 Special Development Standards to create a new section: BMC 20.46.090 Temporary Encampment Permit. This new section will outline a process and regulations for siting a Temporary Encampment. The Commission finds the following:

1. It is vitally important that the City establish regulations to protect the health of the individuals in the encampments and the health, safety, and security of our neighborhoods.
2. It is important for there to be options to site temporary encampments in different areas of the City and not concentrate them in one place. Therefore, the proposed code does not seek to limit the temporary encampment to particular zoning districts in the city, and allows them to be established in all areas as long as the proposed site is at least one (1) acre in size. This will lessen the health, safety and welfare impacts to existing uses located adjacent to Temporary Encampments.
3. No more than one Temporary Encampment shall be permitted in the City at any one time due to the limitations on City resources and services that are necessary to support temporary homeless encampments. Without these limitations, multiple temporary encampments would have impacts on resources and services and would cause public health, safety and welfare impacts if more than one was authorized at a time.
4. A site may only host a Temporary Encampment once every twenty-four (24) months in order to lessen and disburse throughout the City the impacts that this use may have on adjacent properties.
5. Limiting the permit duration to ninety (90) days for Temporary Encampments does not measurably increase the health, safety and welfare impacts to adjacent neighborhoods and City services

#### 2. **Procedural History:**

- 2.1 SEPA Threshold Determination DNS: November 5, 2019
- 2.2 Notice of Public Hearing: November 8, 2019
- 2.3 Department of Commerce Noticing: November 12, 2019
- 2.4 Planning Commission Public Hearing: November 18, 2019

#### 3. **Public and Agency Comment:**

- 3.1 \_\_\_\_\_
- 3.2 \_\_\_\_\_
- 3.3 \_\_\_\_\_
- 3.4 \_\_\_\_\_
- 3.5 \_\_\_\_\_



4. **SEPA Determination:**

A Determination of Non-Significance was issued on November 5, 2019; to date no comments or appeals have been filed. Please note that the comment period for the environmental review will be completed after the Planning Commission's Public Hearing and thus any comments or information received after the Planning Commission's hearing will be presented to City Council for their decision. The environmental review and appeal will be completed prior to the City Council public hearing.

5. **Consistency:**

Text amendments to Title 20 shall meet the decision criteria outlined in BMC 20.18.020(d). The Planning Commission may recommend a decision, and the City Council may adopt or adopt with modifications, amendments to Title 20 if the following criteria are met.

(1) The amendments are consistent with the goals and policies of the comprehensive plan;

*Analysis:* The proposed amendments continue to uphold the objectives and goals of the Comprehensive Plan, and implement the following goals and policies:

*Land Use Goal LU(1): Plan for Bremerton's population and employment growth.*

*H2(E): Support efforts to provide a variety of housing options:*

- *Emergency group housing, homeless shelters and short-term housing to meet the needs of those in the lower income categories.*

(2) It does not conflict with other City, state and federal codes, regulations and ordinances.

*Analysis:* The proposed amendments do not conflict with any other regulations. This proposal utilizes existing State Code (RCW 35.21.915) that allows temporary encampments and creates a process and regulations appropriate for Bremerton that protects the encampments resident's and the public's health, safety and general welfare.

## II. **CONCLUSIONS & RECOMMENDATION**

Based on the findings above, the Planning Commission concludes that the proposed amendments to the Bremerton Municipal Code Title 20 Land Use Chapter, meets the requirements in BMC 20.18.020(d) text amendments, and therefore recommends to the City Council, the adoption of the amendment to Title 20.

Respectfully submitted by:

Approved by:

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Andrea L. Spencer, Executive Secretary

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Richard L. Tift, Chair